

THE LAW FIRM OF

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MEMO ENDORSED

January 6, 2021

Via ECF

The Honorable Valerie E. Caproni
United States District Judge
U.S. District Court for the Southern District of New York
40 Foley Square
New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/6/2021

Re: *United States v. Carl Wilbright*, 20 Cr. 667 (VEC)

Dear Judge Caproni:

I represent Carl Wilbright in the above-referenced matter that is scheduled to be conferenced on January 11, 2021. I write to: (1) request the Court's permission for Zachary Margulis-Ohnuma, counsel to a co-defendant in this case to stand in for me at the conference; and (2) provide the Court with Mr. Wilbright's written Waiver of Right to Be Present at a Criminal Proceeding.

First, prior to this Court scheduling the first status conference in this case, I was already scheduled to represent a client in the U.S. District Court for the Eastern District of New York in a plea proceeding at the same time as our scheduled conference. Accordingly, rather than request that the conference in this matter be adjourned as to Mr. Wilbright, I respectfully request that the Court permit Zachary Margulis-Ohnuma to appear on behalf of Mr. Wilbright. I have discussed the issue with Mr. Wilbright and he consents to Mr. Margulis-Ohnuma appearing on my behalf.

Second, as noted above, annexed hereto is Mr. Wilbright's executed Waiver of Right to Be Present at a Criminal Proceeding form.

Respectfully submitted,

/s/

César de Castro

cc: Christopher Clore
(Assistant United States Attorney *via* ECF)

Application GRANTED.

SO ORDERED.



1/6/2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/21/2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
UNITED STATES OF AMERICA	:	
	:	20-CR-667 (VEC)
-against-	:	
	:	<u>ORDER</u>
CARL WILBRIGHT,	:	
TRAVIS BRECONIDGE,	:	
QUASHAWN ESCALERA,	:	
ISAIAH FREEMAN,	:	
LUIS GARCIA,	:	
RICARDO GARCIA,	:	
STANLEY HAMPTON,	:	
JAMEL MURRAY,	:	
	:	
Defendants.	:	
-----	X	

VALERIE CAPRONI, United States District Judge:

WHEREAS on December 17, 2020, Defendants Luis Garcia, Ricardo Garcia, and Jamel Murray were arraigned by Magistrate Judge Lehrburger and pled not guilty;

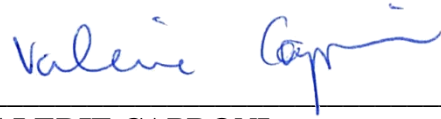
WHEREAS on December 18, 2020, Defendant Carl Wilbright was arraigned by Magistrate Judge Lehrburger and pled not guilty;

IT IS HEREBY ORDERED THAT:

1. A teleconference will be held on **January 11, 2021 at 10:30 a.m.** The parties must appear for the conference by dialing (888) 363-4749, using the access code 3121171, security code 0667. Any recording of the hearing is strictly prohibited.
2. No later than **January 8, 2021**, all defense counsel must file either an executed waiver (attached to this Order) or a letter requesting that the conference be rescheduled as an in-person conference on a date convenient to all parties.

SO ORDERED.

Date: December 21, 2020
New York, NY



VALERIE CAPRONI
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

-v-

Carl Wilbright ,
Defendant.

**WAIVER OF RIGHT TO BE
PRESENT AT CRIMINAL
PROCEEDING**

20 -CR-667 () ()
VEC

Check Proceeding that Applies

____ Arraignment

I have been given a copy of the indictment containing the charges against me and have reviewed it with my attorney. I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York to confirm that I have received and reviewed the indictment; to have the indictment read aloud to me if I wish; and to enter a plea of either guilty or not guilty before the judge. After consultation with my attorney, I wish to plead not guilty. By signing this document, I wish to advise the court of the following. I willingly give up my right to appear in a courtroom in the Southern District of New York to advise the court that:

- 1) I have received and reviewed a copy of the indictment.
- 2) I do not need the judge to read the indictment aloud to me.
- 3) I plead not guilty to the charges against me in the indictment.

Date:

Signature of Defendant

Print Name

 X Conference

I have been charged in an indictment with violations of federal law. I understand that I have a right to be present at all conferences concerning this indictment that are held by a judge in the Southern District of New York, unless the conference involves only a question of law. I understand that at these conferences the judge may, among other things, 1) set a schedule for the case including the date at which the trial will be held, and 2) determine whether, under the Speedy Trial Act, certain periods of time should be properly excluded in setting the time by which the trial must occur. I have discussed these issues with my attorney and wish to give up my right to be present at the conferences. By signing this document, I wish to advise the court that I willingly give up my right to be present at the

conferences in my case for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney be permitted to represent my interests at the proceedings even though I will not be present.

Date:



Signature of Defendant

1-5-2020

Carl Wilbright

Print Name

____ Entry of Plea of Guilty

I am aware that I have been charged with violations of federal law. I have consulted with my attorney about those charges. I have decided that I wish to enter a plea of guilty to certain charges. I understand I have a right to appear before a judge in a courtroom in the Southern District of New York to enter my plea of guilty and to have my attorney beside me as I do. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I have discussed these issues with my attorney. By signing this document, I wish to advise the court that I willingly give up my right to appear in person before the judge to enter a plea of guilty. By signing this document, I also wish to advise the court that I willingly give up any right I might have to have my attorney next to me as I enter my plea so long as the following conditions are met. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

Print Name

Signature of Defendant

I hereby affirm that I am aware of my obligation to discuss with my client the charges contained in the indictment, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held in my client's absence. I will inform my client of what transpires at the proceedings and provide my client with a copy of the transcript of the proceedings, if requested.

Date:



Signature of Defense Counsel

Cesar de Castro

Print Name

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: _____.

Date: _____
Signature of Defense Counsel

Accepted: _____
Signature of Judge
Date: